

## REMARKS

This paper is responsive in any other manner indicated below.

## EXTENSIVE PROSECUTION NOTED

Applicant and the undersigned respectfully note the **extensive prosecution (six Amendments; two RCEs) which has been conducted to date** with the present application, and thus Applicant and the undersigned would gratefully appreciate **any considerations or guidance from the Examiner to help move the present application quickly to allowance**. It is respectfully noted that this may be one of the types of situations in which, **the Examiner's help in finding proper semantics to distinguish the invention over the applied art in a form acceptable to the Examiner**, would be extremely helpful and greatly appreciated by Applicant. Applicant respectfully requests such help.

## PENDING CLAIMS

Claims 1, 2 and 5-13 were pending, under consideration and subjected to examination in the Office Action. Appropriate claims have been amended, canceled and/or added (without prejudice or disclaimer) in order to adjust a clarity and/or focus of Applicant's claimed invention. That is, such changes are unrelated to any prior art or scope adjustment and are simply refocused claims in which Applicant is present

interested. At entry of this paper, Claims 1, 2 and 5-24 will be pending for further consideration and examination in the application.

### **REJECTION UNDER 35 USC '103**

The 35 USC '103 rejection of claims 1, 2 and 5-13 as being unpatentable over Matsumoto et al. (U.S. Patent 5,796,428) in view of Miike et al. (U.S. Patent 5,787,414) is respectfully traversed. However, such rejections have been rendered obsolete by the present clarifying amendments to Applicant's claims, and accordingly, traversal arguments are not appropriate at this time. However, Applicant respectfully submits the following to preclude renewal of any such rejections against Applicant's clarified claims.

All descriptions of Applicant's invention, and all descriptions and rebuttal arguments regarding the applied prior art, as previously submitted by Applicant in any form, are repeated and incorporated hereat by reference. Further, all Office Action statements regarding the prior art rejections are respectfully traversed. As additional arguments, Applicant respectfully submits the following.

It is respectfully submitted that certain Office Action comments appear to indicate (to at least the Undersigned) that the Examiner has **mis-read and/or misunderstood Applicant's amended claims**, and hence, the 02 September 2009 Office Action rejection appears to be based upon **an erroneous interpretation of Applicant's claims**. More particularly, on page 3, lines 5-6 of the 02 September 2009 Office Action, the Examiner explicitly indicates, "The claims **do not require** that the group management data **only store the first and last recording times in the group**." [Emphasis added.] **Strong traversal is appropriate**, because **claims 1, 2**

**and 5-13**, i.e., independent claim 1 (taken as an example) explicitly recites: “...said **time information of said still picture group management information** includes **ONLY a first recording time** at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, **and a last recording time** at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device”.

Added **claims 14-24** substantially parallel claims 1, 2 and 5-13, respectively, but instead use “**consists of**” (instead of “only”) language to limit the still picture group management information to just earliest and latest camera-recording times, e.g., independent claim 14 (taken as an example) recites, “...**all of the recording times** in said still picture group management information **consist of either a first recording time** at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, **and a last recording time** at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device”. As set forth in the arguments ahead, neither of the Matsumoto et al. or Miike et al. references disclose or suggest any arrangement where separately-stored still picture group management information “only” contains, or just “consists of” the first and last camera recording times as explicitly claimed within Applicant’s claims (i.e., see specific language in Applicant’s claims).

As a **second area of traversal**, Applicant respectfully notes that the Examiner has ignored Applicant’s arguments concerning, and/or has misinterpreted,

the Miike et al. reference. More particularly, Applicant's arguments pointed out that Miike et al.'s arrangement concern **document production times and/or editing times**, rather than "**a first recording time** at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and **a last recording time** at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device". That is, if Miike et al.'s arrangement is utilized to produce a document which includes a group of pictures therein, that Miike et al.'s document would contain a start time and end time for when the document (not the pictures) was produced. For example, if a conference (including still pictures/slides therein) is videotaped, Miike et al.'s arrangement may subdivide portions of the conference out to different smaller programs (e.g., according to each presenter), but the program start time and end time would pertain to when the program was produced or edited (not to the times when the still pictures were taken by a picture-taking device).

In short, while Miike et al. does mention "pictures" or "photos" at a number of locations throughout its disclosure, Miike et al. nowhere teaches any arrangement where separately-stored still picture group management information "only" contains, or just "consists of" the first and last recording times (i.e., "picture-taking device" recording times) as explicitly claimed within Applicant's claims (i.e., see specific language in Applicant's claims). What Miike et al. concerns is programs which each may or may not include groups of pictures or photos.

A **third area of traversal** concerns the Examiner's apparent **judicial notice (aka, "Official Notice")** that it "...would have been obvious to one of ordinary skill in the art to have included only a first and last recording time in the time information for

the group”, e.g., because “Matsumoto et al. already stores the list of still pictures belonging to the same group in chronological order therefore it would be simple to only keep the first and last entries on the list.” **Traversal again is appropriate** for several reasons. **First**, the phrase “...to only keep the first and last entries on the list” implies that the other time entries would be discarded. Traversal is appropriate, because discarding of the other time entries would destroy the basic operation or arrangement of Matsumoto et al.’s list, and it is **well settled under U.S. patent laws the if the basic operation or arrangement of one of the applied references would be modified or destroyed, then there would be negative suggestion to make such modification**. **Second**, even if one were to assume that there was suggestion to modify Matsumoto et al., it is respectfully submitted that if “Matsumoto et al. **already stores** the list of still pictures belonging to the same group in chronological order”, then it is respectfully submitted that it would be **simplier, cheaper, smaller, to simply use the first and last chronological entries as they then existed**, rather than **further complicating the arrangement, size, expense with a further separately-stored memory data containing only the first and last recording times**. Beyond these points, Applicant categorically traverses the Examiner’s use of “official notice” as further set forth in the “Official Notice” section given separately ahead.

Beyond the above areas of traversal, Applicant respectfully adjusts and resubmits the following arguments.

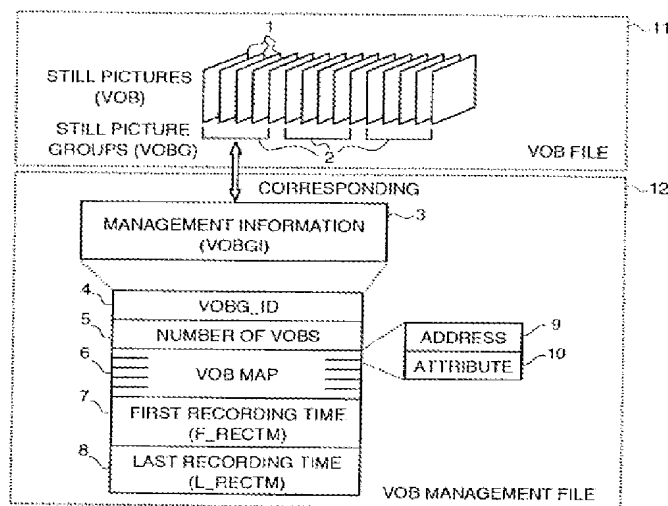
Applicant’s disclosed and claimed invention is directed to an improved arrangement which can be used to manage a large number of **separately-stored still**

**image** files (or documents) arranged into a group (i.e., collection), while at the same time, allowing **fast searches** with respect to the group, and **only requiring a small amount of memory resources** to store **group management information**. More particularly, in the art, when a digital camera takes still pictures, individual still pictures are stored within separate computer files. Applicant's invention may be used to divide a plurality of separately-stored still image files into different **groups**, e.g., by forming a **new group for every 64 still pictures**. If a search for a picture based upon a picture's origination (i.e., production) time is performed with respect to the group, and if the search was required to compare against a start-time and/or end-time **for each picture**, searching may be **onerous**, i.e., take a long processing time to perform the comparison with each picture's data, and a large memory would be required to store the start-time and/or end-time **for each picture**.

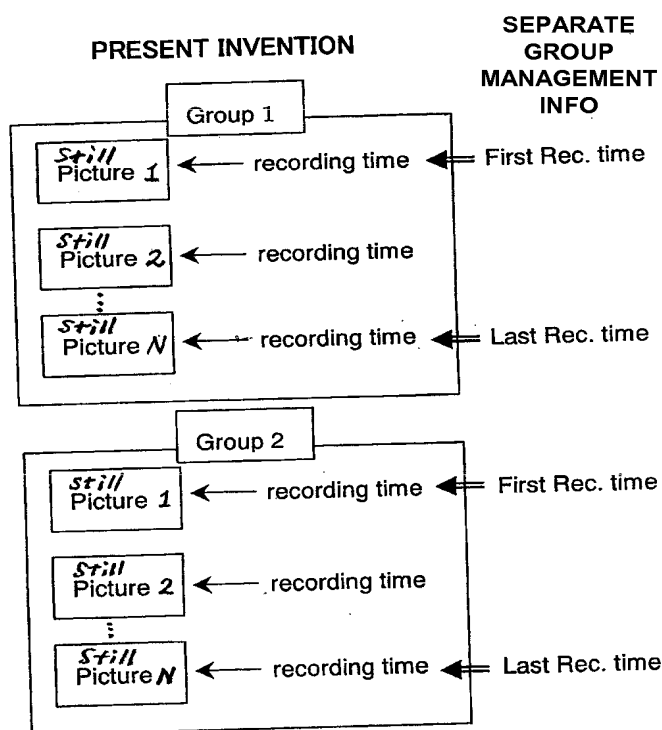
In order to allow quicker searching with respect to a group, and in order to afford the opportunity to reduce an amount of memory required for management information, Applicant's disclosed and claimed invention includes an arrangement where "**said time information of said still picture group management information** includes **ONLY a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device**, and **a last recording time at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device**". Such "still picture group management information" is "**provided SEPARATELY FROM any still picture management information** containing management information **for each still**

FIG. 1

**picture**". That is, if still picture management information containing management information is provided (see **VOB map 6** in Applicant's **FIG. 1**, reproduced herewith for convenience), Applicant's "still picture group management information" **7, 8** is provided **SEPARATE FROM** the still picture management information.



If two groups of still pictures were to be formed, a representation of such groups via **Applicant's invention** might be shown by the following sketch. Again, Applicant's invention can reduce an amount of memory required for group management information if the "first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest- photographed still picture in said still picture group was recorded last by the picture-taking device" is included, but the recording time for each individual picture is excluded. That is, Applicant's invention goes **against the trend in the art to reduce memory, size, expense, etc.**, and instead, Applicant requires additional memory for Applicant's taught benefit of faster searching.



In terms of distinguishing features/limitations, Applicant's independent claim 1 (taken as an example), recites: "A method for recording still picture data of N still pictures stored in separate N files, respectively, and for recording still picture group management information for managing N still picture data of said N still pictures as a still picture group, onto a storage medium, where N is an integer number equal to or larger than one, wherein said still picture group management information includes time information and is provided separately from any still picture management information containing management information for each still picture, and said time information of said still picture group management information includes only a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device, said method comprising: comparing a recording time of said still picture data of a still picture, with said first recording time stored in said still picture group management information corresponding to the still picture group belonging to said still picture data; and if said recording time is earlier than said first recording time, replacing the content of said first recording time by said recording time and performing recording thereof." Applicant's other prior independent claims have similar or analogous features/limitations. Similar discussions may be made of Applicant's "consists of" claims 14-24.



Turning now to rebuttal of the Matsumoto et al. reference, it is respectfully submitted that Matsumoto et al. does disclose arrangements for grouping image data into “album groups”, “page lists”, “picture lists”, etc. However, Office Action comments ADMIT that Matsumoto is deficient in that it “fails to disclose the still picture group management information only storing the earliest and last recording times and updating either one of those if it needs [to be] updated.” [Sentence clarification added.] Applicant respectfully agrees with such admission. More particularly, nowhere does Matsumoto et al.’s “album groups”, “page lists” or “picture lists” include Applicant’s claimed limitations, “wherein said still picture group management information includes time information and is provided SEPARATELY FROM any still picture management information containing management information for each still picture, and said time information of said still picture group management information includes ONLY a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device”. In fact, Matsumoto’s “album groups”, “page lists” and “picture lists” appear NOT to contain any type of group management info provided separate from picture management info and having only a recording start/time time which are attributed to first/last pictures.

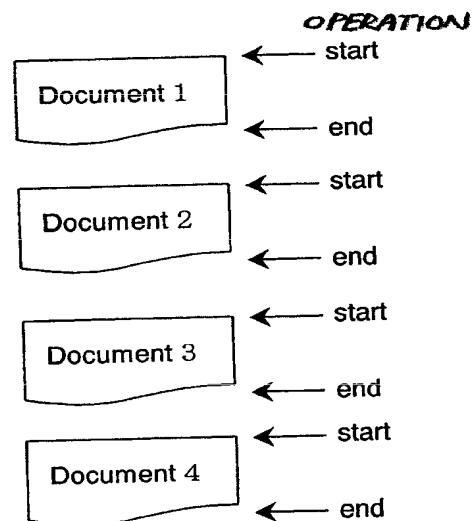
In an attempt to cure the major deficiency of Matsumoto, the Office Action rejection further cites Miike et al. However, as explained in detail within Applicant's prior 03 July 2008 Amendment, Miike et al.'s disclosure only teaches production/edit times with respect to a "document" (e.g., word-processing document, spreadsheet document), and such production/edit times pertain to the creation and completion times of the document (not the recording times of pictures). Such explanation is repeated and supplemented herein as follows.

More particularly, Miike et al. does teach (column 47, lines 33-40, for example) saving a "production start time" and a "production end time" with respect to a produced "document". However, a thorough understanding of the Miike et al. disclosure reveals that such teachings do not disclose or suggest Applicant's claimed arrangement.

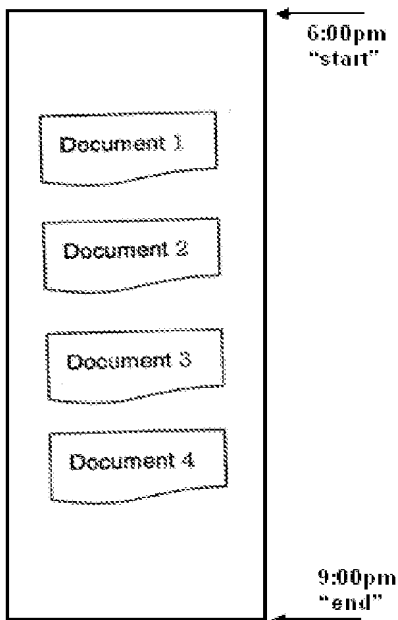
More particularly, it is respectfully submitted that Miike et al.'s "document" is the same as a computer "file", i.e., they are analogous. So when Miike et al. speaks of "production start time" and a "production end time" with respect to a produced "document", Miike et al. disclosure means that the time when production of that particular document (or computer file) is started, and the time when production of that particular document (or computer file) is completed, are saved with respect to that document.

If one were to take **four separate still pictures** (as documents) at 1:00am, 2:00am, 3:00am and 4:00am, then still picture files as examples of Miike et al.'s disclosed "document" arrangement, would be represented by the following sketch. That is, **each separate still picture would have its own "document" or computer file**, and **each separate still picture "document" would then have Miike et al.'s start time and end time**

Miike et al



associated therewith. More specifically, **picture 1 as "Document 1"** would have a **1:00am start time and 1:00am end time** under the Miike et al. scheme, **picture 2 as "Document 2"** would have a **2:00am start time and 2:00am end time**, **picture 3 as "Document 3"** would have a **3:00am start time and 3:00am end time**, and **picture 4 as "Document 4"** would have a **4:00am start time and 4:00am end time**.



As differing example, if a user were then to start work at 6:00pm on a word processing “document” (or a PowerPoint slide show “document”) then incorporating the four pictures therein (e.g., as a “group”), and then complete the “document” at 9:00pm, then the **6:00pm “production start time” and 9:00pm “production end time” of the word processing are saved (using the Miike et al.’s scheme) with respect to that word processing (or PowerPoint) document (i.e., computer file).** Such may be pictured as shown. The 1:00am “start” time of the earliest

picture 1 or document 1, and 4:00am “end” time of the latest picture 4 or document 4 (incorporated as still pictures into the word processing document) **would not** be associated with the produced word processing (or PowerPoint) “document”. In short, Miike et al.’s “document” does not adopt only the start/end times of the first and last still pictures as the management data of the document.

Accordingly, if the teachings of Miike et al.’s disclosure were to be applied to Matsumoto et al.’s “**album groups**”, “**page lists**” and “**picture lists**”, at best, there would result an “**album group**”, “**page list**” and “**picture list**” having a start time and end time associated therewith which are related to when such “**album group**”, “**page list**” and “**picture list**” was first worked on, and then completed. That is, the start time and end time would **NOT** take on the 1:00am “start” time of the earliest picture 1, or 4:00am “end” time of the latest picture 4.

Finally, in closing the Undersigned's comments, with respect to any allegation that a **video** clip (e.g., a videotaped conference) is just a collection or group of still pictures, it is respectfully noted that a video clip is stored within a singular video computer file, i.e., a video clip would not meet Applicant's claimed feature/limitations of "**still picture data of N still pictures stored in separate N files, respectively**".

In addition to the foregoing, the following additional remarks from Applicant's foreign representative are also submitted in support of traversal of the rejection and patentability of Applicant's claims.

According to the description in column 10, line 53 to column 11, line 6 of **Matsumoto et al** ('428), when picture data each including the image and attribute data as shown in FIG. 10 are accumulated by a predetermined amount in the storage unit 104 of the image capturing unit 101 of **FIG. 1**, the image capturing unit 101 transfers the accumulated data to the image storage/display unit 102. The image storage/display unit 102 generates a file list 1301 as shown in **FIG. 13** on the basis of the received picture data. The file list 1301 comprises a file header 1302 and a plurality of picture data 1001. The file header 1302 comprises a file number 1303, a total picture number 1304 corresponding to the number of pictures contained in the file list, date of the transfer such as year 1305, month 1306 and day 1307.

Applicant respectfully points out that the attribute data of Matsumoto et al **does not include a first recording time and a last recording time of the still pictures in the still picture group**, but includes the **date of transferring** of the still picture data to the storage unit. **The recording time is not same as the data transferring time**. In Matsumoto et al, picture data of still pictures each having its recording time are accumulated by a predetermined amount of data in the storage

unit. It takes some time to accumulate the data by the certain amount. After that, the accumulated picture data is transferred to the image storage/display unit. This means that **the data transferring time is different from the recording times.**

For example, if the pictures recorded by a picture-taking device on January 1 are short of the predetermined amount, the picture data will not be transferred, unless and until the amount of data reaches the predetermined amount. After some pictures were further taken by the picture-taking device on January 2, if the total amount of data including the picture data of January 1 and January 2 as recording time reaches the predetermined amount, the picture data is then transferred to the image storage/ display unit on January 2 or later. That is, **the data transferring time is different from the data recording time.**

In short, Matsumoto does not teach to provide a data area for storing time data which specifies only a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a last-photographed still picture in said still picture group was recorded last by the picture-taking device.

As a **critical difference**, the input start time and the input end time of document disclosed in **Miike et al** are different from the first recording time and the last recording time of Applicant's present invention. The input start time or the input end time of document disclosed in Miike et al represents a time of operations on the retrieval target data such as start time or end time of editing moving picture in a document or data entry time by input the data into the system. If a document is produced based on the old picture data, e.g. taken ten years ago, today, the input

start time and the input end time of editing moving picture in a document are today, ...however, the picture data were recorded ten years ago.

Miike et al also does not teach to provide a data area for storing time data which specifies only a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a last-photographed still picture in said still picture group was recorded last by the picture-taking device.

As a result of all of the foregoing, it is respectfully submitted that the applied art (taken alone and in the Office Action combinations) would not support a '103 obviousness-type rejection of Applicant's claims. Accordingly, reconsideration and withdrawal of such '103 rejection, and express written allowance of all of the '103 rejected claims, are respectfully requested.

#### **SPECIFIC TRAVERSAL OF "OFFICIAL NOTICE"**

Office Action comments in support of the art rejection(s) assert that certain claimed features were well known or would have been obvious in the art, i.e., without providing supportive art references for such assertion. With regard to such assertion of apparent judicial (i.e., Examiner) notice of common knowledge or well-known prior art or obvious feature, attention is directed to MPEP '2144.03 which states, "If the applicant traverses such an assertion the examiner should cite a reference in support of his or her position." Accordingly, in view of Applicant's traversal in this regard, and in accordance with the provisions of MPEP '2144.03, Applicant respectfully requests that a documentary proof be cited to explicitly show that such

features were explicitly known in the art, or alternatively, Applicant respectfully requests withdrawal of all rejections based upon such unsupported judicial notice. Further, at this point, it is respectfully submitted as a reminder that, if new art is now cited against any of Applicant's unamended claims, then it would not be proper to make a next action final.

### **EXAMINER INVITED TO TELEPHONE**

The Examiner is herein invited to telephone the undersigned attorneys at the local Washington, D.C. area telephone number of 703/312-6600 for discussing any Examiner's Amendments or other suggested actions for accelerating prosecution and moving the present application to allowance.

### **RESERVATION OF RIGHTS**

It is respectfully submitted that any and all claim amendments and/or cancellations submitted within this paper and throughout prosecution of the present application are without prejudice or disclaimer. That is, any above statements, or any present amendment or cancellation of claims (all made without prejudice or disclaimer), should not be taken as an indication or admission that any objection/rejection was valid, or as a disclaimer of any scope or subject matter. Applicant respectfully reserves all rights to file subsequent related application(s) (including reissue applications) directed to any/all previously claimed limitations/features which have been subsequently amended or cancelled, or to any/all limitations/features not yet claimed, i.e., Applicant continues (indefinitely) to



maintain no intention or desire to dedicate or surrender any limitations/features of subject matter of the present application to the public.

### **CONCLUSION**

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims listed above as presently being under consideration in the application are now in condition for allowance.

To the extent necessary, Applicant petitions for an extension of time under 37 CFR '1.136. Authorization is herein given to charge any shortage in the fees, including extension of time fees and excess claim fees, to Deposit Account No. 01-2135 (Case No. 500.37453CX3) and please credit any excess fees to such deposit account.

Based upon all of the foregoing, allowance of all presently-pending claims is respectfully requested.

Respectfully submitted,

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